

**Congress of the United States**  
**Washington, DC 20515**

April 23, 2020

The Honorable Betsy DeVos  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202-7100

Dear Secretary DeVos:

COVID-19 has devastated the finances of many Americans, including students currently attending or planning to enroll in college. However, this recent financial hardship is not reflected in previously submitted Free Application for Student Aid (FAFSA) and subsequent financial aid packages. Accordingly, we urge you to take the specific FAFSA-related assistance recommendations for students and families outlined below.

As you know, the FAFSA helps students determine their eligibility for federal financial aid to cover the cost of college, including access to federal grants, loans, and work-study programs. The FAFSA establishes a student's Expected Family Contribution (EFC), based on income, assets, and other factors. Since 2015, following efforts led by Congressman Doggett to allow more time for the onerous FAFSA completion process, the Department of Education (Department) has permitted students to use prior-prior year tax information. However, the financial hardship caused by COVID-19, including over 26 million American job losses to date<sup>1</sup>, that may make attending college too expensive for many students and families, will not be reflected in prior-prior tax information used to file the FAFSA.

Fortunately, there is already an established system to help students in this situation, about which the Department has issued guidance during previous economic recessions.<sup>2</sup> Section 479A of the Higher Education Act permits financial aid administrators to make adjustments to the data elements on the FAFSA used to calculate a student's Expected Family Contribution (EFC) in order to gain a more accurate estimate of a family's ability to contribute to the costs of education. This process, known as Professional Judgment (PJ), is available to students who already submitted their FAFSA on a case-by-case basis. However, we are concerned that students may not know about this process and may fail to pursue it—especially first-generation college students and recent high school graduates, who have not yet matriculated and received information on campus services. For some students, not seeking additional, needed help, could result in not attending or dropping out of college altogether. To address these concerns, we urge the Department to do the following:

- 1) Include information for students on its COVID-19 Frequently Asked Questions (FAQ) page explaining the PJ process and to conduct additional outreach to students, so that they have the information they need. This information should include best practices for students to demonstrate the changes in their financial need because of COVID-19.

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<sup>1</sup> Rugaber, Christopher. "26 million have sought US jobless aid since virus hit." *Associated Press*. April 23, 2020. <https://apnews.com/e17fdbbd8a49169e9a5d131d961d472c>

<sup>2</sup> Madzellan, Daniel T. "Use of 'Professional Judgment' by Financial Aid Administrators." *Federal Student Aid, Department of Education*. April 2, 2009. <https://ifap.ed.gov/dear-colleague-letters/04-02-2009-gen-09-04-subject-use-professional-judgment-financial-aid>

- 2) Clarify whether the [GEN-09-04](#)<sup>3</sup> and [GEN-09-05](#)<sup>4</sup> guidance on Professional Judgement (PJ) issued by the Department, which we and higher education stakeholders support, is still in effect and communicate this clarification to higher education institutions.
- 3) Provide additional webinars and tools for financial aid administrators at colleges and universities on the PJ process, in anticipation of additional COVID-19 related PJ requests from students.
- 4) Finally, we understand that the use of PJ could impact a university's risk-model; following the 2008 recession, the Department adjusted its risk model to account for increased PJ use. We recommend the Department make the same adjustments in light of an anticipated increased utilization of the PJ process and provide according reassurance to colleges and universities.

In 2018, high school graduates missed out on \$2.6 billion in free assistance for college because they did not submit a FAFSA.<sup>5</sup> 2020 is on track to be even worse, with FAFSA completion rates continuing to decline during the COVID-19 pandemic.<sup>6</sup> Currently enrolled college students or high school students often receive information on submission deadlines and completion assistance from their schools. Failure to submit the FAFSA could leave individuals eligible for, and in need of, federal financial aid without it and exclude them from the PJ process. Accordingly, we recommend that the Department:

- 5) Provide additional communication to students reminding them of FAFSA filing deadlines. For first-time FAFSA filers, we believe the Department should work with organizations that facilitate college access to communicate deadlines and provide application assistance.
- 6) Following the 2008 recession, the Department of Education and the Department of Labor partnered to ensure that recently unemployed individuals were made aware of their potential to access additional federal financial aid.<sup>7</sup> We would urge the Department to employ this model to conduct similar outreach today.

Thank you for the important steps you have taken thus far to help students and student borrowers during this challenging time. With National College Decision Day just around the corner on May 1, we look forward to your careful consideration of these recommendations and your response outlining your proposed actions on this matter as soon as possible. We believe these recommendations are critical to ensure that COVID-19 does not prevent students from accessing affordable higher educational opportunities.

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<sup>3</sup> Ibid.

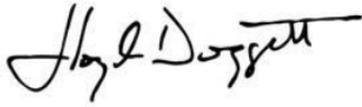
<sup>4</sup> Duncan, Arne. "Update on the Use of 'Professional Judgment' by Financial Aid Administrators." *Federal Student Aid, Department of Education*. May 8, 2009. <https://ifap.ed.gov/dear-colleague-letters/05-08-2009-gen-09-05-subject-update-use-professional-judgment-financial-aid>

<sup>5</sup> Carrns, Ann. "To Graduate, File a Fafsa, More High School Seniors Are Told." *New York Times*. August 9, 2019. <https://www.nytimes.com/2019/08/09/your-money/fafsa-financial-aid-form-college.html>

<sup>6</sup> DeBaun, Bill. "Substantial FAFSA Completion Declines Continue Nationwide." *National College Attainment Network*. April 13, 2020. <https://www.ncan.org/news/501374/Substantial-FAFSA-Completion-Declines-Continue-Nationwide.htm>

<sup>7</sup> Duncan, Arne. "Update on the Use of 'Professional Judgment' by Financial Aid Administrators." *Federal Student Aid, Department of Education*. May 8, 2009. <https://ifap.ed.gov/dear-colleague-letters/05-08-2009-gen-09-05-subject-update-use-professional-judgment-financial-aid>

Sincerely,



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Member of Congress



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Member of Congress



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Member of Congress



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Sheila Jackson Lee

Sheila Jackson Lee  
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